

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
MICHAEL SEAN SPEIGHT,)	
)	
Plaintiff)	
)	
v.)	Case No. 1:24-cv-12363-PBS
)	
AMANDA KAELEBLEIN,)	
MICHAEL KAELEBLEIN,)	
NANCY KAELEBLEIN,)	
ERIC STEPHANIE,)	
)	
Defendants)	
_____)	

**DEFENDANTS MICHAEL KAELEBLEIN AND NANCY KAELEBLEIN'S
MOTION FOR LEAVE TO FILE REPLY TO PLAINTIFF'S OBJECTION TO MOTION
TO DISMISS FILED BY MICHAEL KAELEBLEIN AND NANCY KAELEBLEIN**

Defendants Michael Kaelblein and Nancy Kaelblein, by and through their undersigned counsel and pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and respectfully request leave to file the contemporaneously filed proposed Reply to Plaintiff's Objection to Motion to Dismiss Filed by Michael Kaelblein and Nancy Kaelblein. In support thereof, Defendants Michael and Nancy Kaelblein state as follows:

1. On October 16, 2024, Plaintiff filed a Motion to Amend Complaint with a Supporting Memorandum of Law titled "1983 Civil Rights Complaint." Plaintiff later confirmed the Supporting Memorandum of Law was, in fact, the Amended Complaint. ECF No. 75 at 1.
2. On November 6, 2024, Defendants Michael and Nancy Kaelblein filed a Motion to Dismiss the 1983 Civil Rights Complaint for lack of subject-matter jurisdiction and for failure to state a claim upon which relief can be granted.

3. On November 14, 2024, Plaintiff filed an Objection to that Motion to Dismiss that contended, *inter alia*: (a) case law from other circuits limited the reach of the domestic relations exception and corresponding abstention doctrine of federal courts in the First Circuit; (b) claimed that his prior, unincorporated, Complaint(s) should be considered when analyzing the sufficiency of the allegations in the Amended Complaint; and (c) alleged without support that Defendants Michael and Nancy Kaelblein made a fraudulent misrepresentation in the Motion that warrants denial of their entire Motion.

4. As Defendants Michael and Nancy Kaelblein did not have the opportunity to address these arguments as part of their Motion, a Reply to Plaintiff's Objection is required.

5. Defendants Michael and Nancy Kaelblein concomitantly file their proposed Reply and Memorandum of Law in Support of their Reply, within seven (7) days of the filing of Plaintiff's Objection.

6. Plaintiff was contacted and objects to the relief requested herein.

WHEREFORE, Defendants Michael Kaelblein and Nancy Kaelblein respectfully request that this Court:

A. Grant this Motion for Leave and allow Defendants Michael and Nancy Kaelblein to file a Reply to Plaintiff's Objection to Motion to Dismiss Filed by Michael Kaelblein and Nancy Kaelblein; and

B. Grant such other and further relief as equity and justice require.

Respectfully submitted,
Michael Kaelblein and Nancy Kaelblein
By their Attorneys
Welts, White & Fontaine, P.C.

Date: 11/21/2024

By: /s/ Nicole Fontaine Dooley
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CERTIFICATE OF SERVICE

I, Nicole Fontaine Dooley, hereby certify that on November 21, 2024, this document was filed through the ECF system and sent electronically to the registered participants as identified on the notice of electronic filing (NEF) and by first class mail to non-registered participants.

/s/ Nicole Fontaine Dooley
Nicole Fontaine Dooley